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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

9 Douglas Lee Horn,) No. CV 04-2014-PHX-SMM
10 Plaintiff,)
11 vs.) **ORDER**
12 Dora Schriro, et al.,)
13 Defendants.)

14 Currently pending before this Court are the Motions for Attorneys' Fees and Non-
15 Taxable Costs filed by Defendant Jason M. Levine, M.D.(Doc. 221) and the Motion for
16 Attorneys' Fees filed by *pro se* Plaintiff Douglas L. Horn (Doc. 240).

17 **Defendant's Motion for Attorneys' Fees (Doc. 221)**

18 Dr. Levine correctly states that under 42 U.S.C. § 1988 he is entitled to recover his
19 attorneys' fees against Mr. Horn for prevailing against him on each of the 42 U.S.C. §1983
20 claims against him. Furthermore, in its September 2007 summary judgment order, the Court
21 ruled that Defendants are entitled to their fees and costs. (Doc. 218).¹

22 Despite the requirements of LR Civ 54, that a responsive memorandum in opposition
23 to a motion for an of attorneys' fees and related nontaxable expenses shall identify with
24 specificity all disputed issues of material fact and shall separately identify each disputed time

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27 ¹ On September 10, 2007, the Court granted summary judgment against Plaintiff on
28 all claims. The Clerk entered judgment the same day.

1 entry or expense time, Plaintiff failed to properly respond to Defendants' motion with
2 specific objections.

3 Thus, after carefully reviewing Defendants' memorandum setting forth his entitlement
4 and the reasonableness therein, the Court finds that Defendants' request is reasonable under
5 the law and therefore awards Dr. Levine his attorneys' fees in the full amount of
6 \$33,311.56, inclusive of expert fees.²

7 **Plaintiff's Motion for Attorneys' Fees (Doc. 240)**

8 *Pro se* Plaintiff Douglas Horn contends that he should receive \$54,000 in attorneys'
9 fee and court costs, despite the fact that he was not the prevailing party in the underlying suit.
10 Plaintiff has failed to provide the Court with any authority supporting his argument that he
11 is entitled to fees and costs, and the Court is unaware of any in existence to support the non-
12 prevailing party in such a manner. Consequently, Mr. Horn's Motion is **DENIED**.

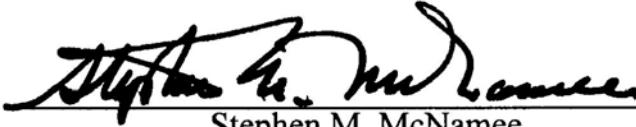
13 **CONCLUSION**

14 Accordingly,

15 **IT IS HEREBY ORDERED GRANTING** Defendant Dr. Levine's Motion for
16 Attorneys' Fees and Non-Taxable Costs (Doc. 221).

17 **IT IS FURTHER ORDERED DENYING** Plaintiff's Motion for Attorneys' Fees
18 and Costs (Doc. 240).

19 DATED this 13th day of February, 2008.

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21 
22 Stephen M. McNamee
23 United States District Judge
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26 ²The Court notes that Defendant's Memorandum explains that one of the primary
27 reasons for this particular fee amount is the cost of reviewing and sometimes responding to
28 the **hundred-plus** pleadings, many frivolous, filed by Plaintiff in this case.